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**TO: Examiner Tara Mayo
U.S. Patent and Trademark Office
Fax No.: 703-872-9306**

DATE: November 10, 2004

FROM: Michael R. Schacht

PAGES: 4 (cover sheet included)

**Re: U.S. Application Serial No. 10/716,918
Filed: 11/18/2003
Applicant: John L. White
AUTOMATICALLY ADJUSTABLE CAISSON CLAMP
Attorney Docket No.: P214470**

Enclosed are:

- 1) Cover letter for Terminal Disclaimer (1 page)**
- 2) Terminal Disclaimer Form PTO/SB/26 (1 page)**
- 3) Certificate of Transmission (1 page)**

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NOV 10 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John L. White)	Attorney Ref.: P214470
Serial No.:	10/716,918)	Art Unit: 3671
Filed:	11/18/2003)	Examiner: Tara L. Mayo
Title:	AUTOMATICALLY ADJUSTABLE CAISSON CLAMP)	

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the above-noted application is a Terminal Disclaimer Form.

Please charge the \$55 small entity terminal disclaimer fee in connection with this matter to Deposit Account No. 502099.

Signed at Bellingham, County of Whatcom, State of Washington this 10th day of November, 2004.

Respectfully submitted,


Michael R. Schacht, Reg. No. 33,550
Schacht Law Office, Inc.
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PTO/SB/26 (09-04)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket Number (Optional) P214470
In re Application of: JOHN L. WHITE		
Application No.: 10/716,918		
Filed: 11/18/2003		
For: AUTOMATICALLY ADJUSTABLE CAISSON CLAMP		
<p>The owner, <u>AMERICAN PILEDRIVING EQUIPMENT, INC.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>6,648,556</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none">expires for failure to pay a maintenance fee;is held unenforceable;is found invalid by a court of competent jurisdiction;is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;has all claims canceled by a reexamination certificate;is reissued; oris in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>33,550</u></p> <p><u>Michael R. Schacht</u> NOVEMBER 10, 2004 Signature Date</p> <p><u>MICHAEL R. SCHACHT</u> Typed or printed name</p> <p><u>(360) 647-0400</u> Telephone Number</p> <p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>		

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- 1) Cover letter for Terminal Disclaimer (1 page)
- 2) Terminal Disclaimer Form PTO/SB/26 (1 page)

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